

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

SCHEAVELLA CORLEY, et al.,
On behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

CRST EXPEDITED, INC.,

Defendant.

Case No. 15-CV-117-LTS-KEM

ORDER

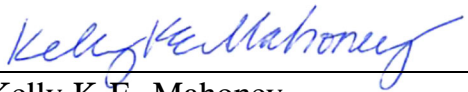
On June 17, 2022, the court held a status conference with the parties to discuss deadlines and discovery. Doc. 284. The parties agreed that Defendant should file a response to the amended complaint by **June 27, 2022**. They disagreed whether Defendant should conduct additional discovery (written and depositions) on the two new named Plaintiffs prior to briefing the single issue left for summary judgment after the Eighth Circuit's remand.

Defendant argued that discovery was necessary to assess the new named Plaintiffs' adequacy and typicality. Defendant acknowledged that its records would contain information about the new named Plaintiffs' claims (such as how they exited the truck) but argued that depositions might reveal more information. Defendant also acknowledged that this discovery was relevant to decertification, not the merits of the remaining issue for summary judgment, but it argued that the adequacy of the named Plaintiffs as representatives must be assessed prior to any dispositive ruling. Plaintiffs, on the other hand, agreed that Defendant was entitled to this discovery but argued that for efficiency and economy reasons, it should be conducted only if the remaining claim survived summary judgment.

I agree with Plaintiffs. I have reviewed Defendant's cited cases and do not find that any of those cases require otherwise. Here, it makes the most sense for the parties to brief the summary judgment issue—which I note Defendant previously argued was so clearly in its favor that amendment to add the new named Plaintiffs would be futile—and then conduct the additional discovery in the event the claim survives.

By **July 6, 2022**, the parties must confer and file a proposed summary judgment briefing schedule.

SO ORDERED on June 22, 2022.



Kelly K.E. Mahoney
Chief United States Magistrate Judge
Northern District of Iowa